

**ENVIRONMENTAL ASSESSMENT**  
**EA-NV-030-08-002**  
**SRP # NV-030-07544**

Carson City Field Office, Nevada

**BLM**

# **RIMBENDERS**

## **Competitive Motorcycle Events**

### **North Hungry Valley**

U.S. Department of the Interior  
Bureau of Land Management  
Carson City Field Office  
5665 Morgan Mill Road  
Carson City, NV 89701

Washoe County, Nevada  
October 2007



**FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD**

**Rimbenders Hungry Valley Motorcycle Race**

EA-NV-030-08-002

**Finding of No Significant Impact**

Based on the analysis of environmental assessment EA-NV-030-08-002 for the Rimbenders Hungry Valley motorcycle race, I have determined that the action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

**Decision**

It is my decision to approve the action as described in the Proposed Action of EA-NV-030-08-002.

**Rationale**

The Proposed Action, as mitigated, meets the criteria described in the Federal Land Policy and Management Act of 1976 to *prevent undue and unnecessary degradation of public land*. The Proposed Action is in conformance with the Carson City Field Office Consolidated Resource Management Plan (2001), REC-2, Section 8, Recreation, Desired Outcome: #1: *Provide a wide variety of recreation opportunities on public land under the administration of the Carson City Field Office*.

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Bryant Smith  
Associate Manager  
Carson City Field Office

Date

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

**I. INTRODUCTION/PURPOSE AND NEED**

**INTRODUCTION**

In conformance with 43 CFR 2930.11 (a) (2), *Rimbenders* has submitted a Special Recreation Permit (SRP) application to conduct a competitive off-highway vehicle (OHV) race in Washoe County, Nevada over a period of five years. The proposed race course is located within the administrative boundary of the Bureau of Land Management (BLM), Carson City Field Office (CCFO). The race course is located north of Reno, Nevada in Hungry Valley (see map, page 4).

The proposed annual race event is one of a series of competitive motorcycle events that are held in the State of Nevada. It is sponsored by Rimbenders and sanctioned by the Motorcycle Racing Association of Northern Nevada (MRANN) as one of a series of similar events where points may be earned toward yearly awards. Awards are earned in various classes depending on the age of the rider, type of motorcycle, size of the motorcycle, skill level of the participant, and gender of the participant. This particular race event is usually held during the last weekend in October of each year.

**PURPOSE AND NEED**

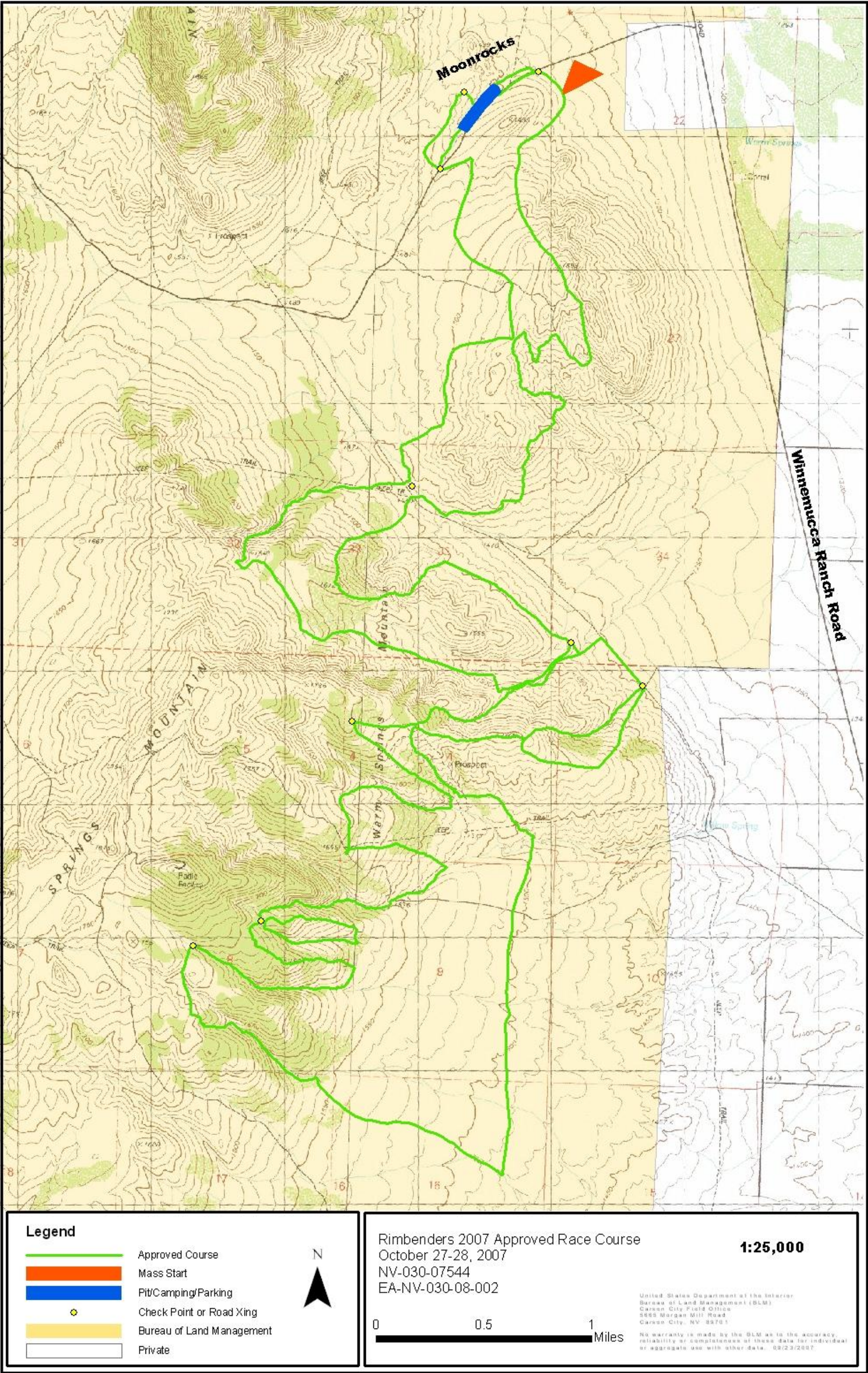
The purpose of the proposed action is to conduct a competitive OHV race on BLM managed lands north of Reno, Nevada. The proposed action is needed to meet public demand for motorized events and to provide the public an opportunity to experience a competitive event in a directed, controlled and organized venue. These types of activities also rely on public lands to provide a large geographical area of undeveloped lands not typically found in the private sector.

**LAND USE PLAN CONFORMANCE STATEMENT**

The proposed action described in this document is in conformance with the Carson City Field Office *Consolidated Resource Management Plan* (May 2001):

Desired Outcome: Recreation – Section 8, REC-2, #1: Provide a wide variety of recreation opportunities on public land under the administration of the Carson City Field Office.







## **II. PROPOSED ACTION AND ALTERNATIVES**

### **PROPOSED ACTION**

The proposed action is to conduct an annual competitive motorcycle race on public land located north of Reno, Nevada at the north end of Hungry Valley. The mini and pee-wee race would be held on Saturday, October 27, 2007 and the main big bike race would be conducted on Sunday, October 28, 2007. The applicant proposes to use approximately twenty-six (26) miles of existing routes for this event (see map).

There would be approximately 300 total participants (main/mini/pee-wee) and approximately 500 spectators over the course of the two-day event. Total attendance would be around 400 persons each day, including officials, spectators and riders. Portable toilets and a large dumpster would be provided near the pit area and a temporary Public Land Closure would be in effect to provide for public safety.

The proposed main event is a long distance multi-lap race and would be conducted on established dirt roads, trails and sandy washes. Rimbenders would use previously authorized start/finish and pit/camp/parking areas. The proposed Start/Finish area is located approximately 1/3 mile east of Moonrocks, on the south side of the main access road. The main staging area at Moonrocks would accommodate spectators, camping, refueling, mechanical repairs and related support of the riders and machines.

See permit stipulations and conditions/requirements in Attachment 1, pages 23-28.

### **Monitoring**

The Carson City Field Office SRP policy requires that all OHV events be monitored. The objective of event monitoring is to ensure that the events are conducted in a safe and organized manner and in accordance with BLM regulations and permit stipulations. Monitoring is also conducted to confirm approved routes prior to the race and to identify and document actual resource impacts for post use analysis, recommendations and the development of future alternatives, where applicable. Typical monitoring methods include photo documentation, GPS mapping and personal observations in a post-use report format.

### **NO ACTION ALTERNATIVE**

The No Action Alternative would not consider the proposed event. The applicant would be denied a Special Recreation Permit to conduct competitive motorized race events on public land.

### **III. AFFECTED ENVIRONMENT**

#### **SCOPING AND ISSUE IDENTIFICATION**

Internal scoping was conducted at the CCFO Interdisciplinary Meeting on July 7, 2007. No significant issues were identified at that time.

#### **PROPOSED ACTION**

##### **General Setting**

The Hungry Valley area includes portions of the Warm Springs, Dogskins and Hungry Mountains and the similarly named valleys in between. Elevation ranges from 4500' to 7400'. The climate is typical semi-arid high desert with average precipitation of seven to ten inches per year. Temperatures average 80 – 105 throughout the summer (June – September). Winters are generally moderate with seasonal snow accumulations of 6" – 3' at times. Winds vary, but prevail from the west – southwest in the afternoons.

Approximately 26,880 acres of public land in the Hungry Valley area are designated *Open* to OHV. Prior to the Southern Washoe County Urban Interface Plan Amendment (2001) the Hungry Valley area had included an additional 10,880 adjacent acres of *Open* designation. The adjacent lands are now designated *Limited to Existing Roads and Trails*. Established roads and trails are abundant throughout the areas.

The Moon Rocks staging area is an undeveloped (no constructed facilities) OHV destination site. It is approximately 23 miles north of Reno, Nevada. The site is a peculiar rock outcrop surrounded by typical Western Great Basin - high desert plant and soil communities. A large flat area adjacent to the rocks provides adequate parking for up to 600 vehicles.

Water is scarce except for developed water troughs which support livestock allotments, a few scattered natural springs and seeps and the Pyramid Lake which is located to the northeast and outside of the project area.

Public lands in this immediate area are utilized for utility and road rights-of-way, livestock grazing, mineral exploration, and dispersed recreational activities. Adjacent private lands in the vicinity are mainly used for residences and agriculture (alfalfa production and livestock grazing). The area is adjacent to several rural/urban residential communities, including the Reno-Sparks Indian Community (1920 acres to the southeast) and receives approximately 30,000 – 50,000 recreational visitors each year. There are currently no active mining claims.

Race routes utilize a variety of dirt roads that have been bladed for fire suppression, mining or utility development, established dirt roads, wide-track motorcycle/ATV trails and single track motorcycle trails, most of which been authorized for special event use in the past.

##### **Critical Elements of the Human Environment**

Appendix 5 of BLM's NEPA Handbook (H-1740-1) identifies Critical Elements of the Human Environment that are subject to requirements specified by statute or executive order and must be considered in all BLM environmental documents. The Critical Elements are:

Critical Element	Not Present *	Present/Not Affected *	Present/May Be Affected**
Air Quality			X
Areas of Critical Environmental Concern	X		
Cultural Resources			X
Farm Lands (prime or unique)	X		
Floodplains	X		
Native American Religious Concerns			X
Threatened or Endangered Species	X		
Wastes, Hazardous or Solid	X		
Water Quality (Surface/Ground)	X		
Wetlands/Riparian Zones	X		
Wild and Scenic Rivers	X		
Wilderness	X		
Invasive, Nonnative Species	X		
Environmental Justice	X		
Migratory Birds			X

The following rationale was used to determine that Critical Elements present in the area would not be affected as a result of implementation of the Proposed Action.

#### **Threatened and Endangered Species**

On October 9, the U.S. Fish and Wildlife Service's (USFWS) electronic listing of federally listed threatened, endangered, proposed for listing and candidate (TEPC) species was reviewed to determine which species might be associated with this project area ([www.fws.gov/nevada/protected\\_species/index.html](http://www.fws.gov/nevada/protected_species/index.html) 2006). That listing indicated one federally listed species of plant or animal occurs adjacent to the activity area. The Carson wandering skipper (*Pseudocopaeodes emnus obscurus*) occurs in patches of salt grass which has been fenced to the east of the event area. Since the habitat has been fenced and the race course is to the west of the habitat and no habitat is known to occur along the race course it is very unlikely that the Carson wandering skipper would be affected.

#### **Resources Present and Brought Forward For Analysis (critical & non-critical elements)**

##### **Air Quality**

The United States Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards (NAAQS). The EPA set these standards to protect human health and welfare.

Air pollution, for the purpose of this proposed action, comes from "mobile sources", such as motorcycles (dirt bikes); and "natural sources", such as windblown dust. The primary pollutant



would be particulate matter (aerodynamic size  $\leq$  to 10 microns,  $\leq$  2.5 micron in the forms of fugitive dust and engine exhaust (2 and 4-cycle engines).

Existing sources of airborne particulates (PM<sub>10</sub>) include travel on unpaved roads, non-organized OHV activity, livestock management, and agricultural operations, and road maintenance. The Hungry Valley Area has one paved road, Winnemucca Ranch Road. The rest of the roads around the area are a combination of aggregate surface and un-surfaced dirt. These roads are maintained by road grader equipment and by frequent vehicle passage.

Air quality within the Reno Planning Unit is classified as non-attainment for PM<sub>10</sub>, however, the Hungry Valley OHV area is located in air basins listed as unclassified.

### **Cultural Resources**

For this project, the BLM CCFO conducted a record search of the Nevada BLM Carson City Field Office maps, files, and research library for an area within one mile of the proposed race route (see location map). This included review of General Land Office (GLO) maps, the CCFO cultural resource overview report (Pendleton et al. 1982), and mining references (Lincoln 1982; Tingley 1998).

Overall, 25 surveys for cultural resources has been completed within one mile of the race area. Block-area cultural resources inventory projects and additional linear projects bisect the area and provide information on less than 12 documented sites within one mile of the race course. However, these inventories and regional understanding of cultural history have provided some information regarding the density and diversity of cultural resources present.

Previous work suggests that the upland area near tree-line has a high potential to contain additional significant resources, including, but not limited to prehistoric use of rockshelter sites, rock art sites, and open sites containing extensive artifact scatters and historic-period resources associated with continued use of the region by Native Americans or associated with mining or ranching. The northern Rimbenders race route and staging/start areas near sites two known sites and is expected to be most likely to contain prehistoric materials due to their proximity to springs, marsh resources, and other known cultural resources. Other known sites are of important spiritual and resource gathering use to Tribes, with some dating to the earliest known period of human occupancy in the region (before 7,500 years ago), through a time of historic and modern use by local Tribes. Expected prehistoric site types in the area include base camps, resource procurement, processing, and special use sites. Prehistoric sites are expected to be present in low to high densities depended on landform (Drews and Ingbar, 2007).

Historic evidence is applicable to early mining exploration which dominated during the late 1800,s - early 1900's. Minerals include uranium and some gold, lead, copper, and titanium. A few historic mine sites are scattered throughout the foothills and on Dogskin Mountain, within an unconsolidated mining district that went by the names of either Dogskin Mountain or Esmeralda (Tingley 1998) Archaeological documentation of these relatively small mines are minimal, to date. Additional development around spring and for fencing pastures is associated with historic or on-going grazing activities. Historical cultural resources sites are not highly likely to be present in the proposed race area.

Some portions of the route were inventoried for cultural resources in conjunction with previous federal actions in the area. Previous cultural inventories completed in the past 15 years for races held in this area include CRR 3-1948, CRR 3-1911, and CRR 3-2084. Other significant projects in this time period and in the immediate area were completed for Tuscarora Natural Gas Pipeline Projects (CRR 3-1583), Sierra Pacific Power Company transmission line projects (CRR 3-2113), and a proposed Hungry Valley Lateral project (CRR 3-1963).

For the current project, the proposed 2007 route for the Rimbenders race was examined using aerial photographs, and five additional areas were inventoried for cultural resources at the Class III level with transects spaced no more than 30 m apart (Lane 2007: CRR 3-2415). Inventory locations were selected based upon potential for impacts to cultural resources from proposed race activities and probability for cultural resources to be present, with emphasis placed on proximity to water, diversity of available resources, landform, and aspect. Inventory areas included the entire proposed start area and a portion of the northeastern race route in T23N, R20E, Section 21; portions of the proposed race route and areas surrounding a check point/road crossing in T23N, R20E, Section 33; portions surrounding the proposed race route and a checkpoint/road crossing in T23N, R20E, Section 34 and T22N, R20E, Section 4; a small area surrounding the proposed race route and a checkpoint/road crossing in T22N, R20E, Section 3. Class III cultural resources inventory for the five inventoried areas comprised a total of 38.5 acres (Lane 2007). Additional fieldwork in the Hungry Valley area is ongoing including an estimated two mile southern segment of the proposed course. When completed, this segment would be added to the inventory based on the October 2007 fieldwork.

Based on the assessment of soils, elevation, topography, vegetation and water resources in surveyed areas with similar conditions, the potential for finding known or undocumented NRHP-eligible sites within the proposed area of this SRP would be high to low. Areas of specific concern known archaeologically or identified by Tribes—with the exception of Moon Rocks—are over one-half mile from the current proposed course.

Specific to historic properties, the impacts that may have occurred likely were reached during prior events that occurred before the present. By definition, an historic property is a “prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places” and includes “artifacts, records, and remains that are related to and located within such properties” (36 CFR 800.16(l)(1)). Therefore, potential recreation-related impacts to historic properties were probably greater at a previous time.

Systematic cultural resources inventory and a review of previous work in the area do not indicate that historic properties would be adversely affected by the Rimbenders race. Therefore, relative to cultural resources, there exists no need to alter the proposed action in order to prevent unnecessary or undue degradation, and the project would not affect historic properties.

### **Migratory Birds**

On January 11, 2001, President Clinton signed Executive Order 13186 (Land Bird Strategic Allotment) placing emphasis on conservation and management of migratory birds. The species are not protected under the Endangered Species Act, but most are protected under the Migratory Bird Treaty Act of 1918. No BLM policies have been developed to provide guidance on how to incorporate migratory birds into NEPA analysis. However, advice based on past USFWS

MOU's, list items the USFWS believes are fundamental for the analysis of impacts to and planning for these birds. These items are (1) effects to highest priority birds listed by Partners in Flight; (2) effects to important bird areas (IBA's); (3) effects to important over wintering areas.

Avifaunal Biomes that are found in the area are described by Partners in Flight (PIF), PIF-Nevada and Nevada Wildlife Action Plan. The Intermountain West is the center of distribution for many western birds. Over half of the biome's Species of Continental Importance have 75% or more of their population here. Many breeding species from this biome migrate to winter in central and western Mexico or in the Southwestern biome. This proposed race course is not within an identified Bird Habitat Conservation Area ([www.iwfv.org](http://www.iwfv.org)). The species of concern listed by PIF that could occur in the allotment are shown in Appendix 1.

### **Native American Religious Concerns**

Portions of Dogskin Mountain and surrounding area are known ethnographically to have been used by the Pyramid Lake Paiute for hunting (Pendleton et al. 1982) and lies within the aboriginal territory of the Washoe Tribe of Nevada and California. The Moon Rocks area located to the west of the project area is also known to have cultural significance to the Pyramid Lake Paiute Tribe and the Reno Sparks Indian Colony. For this project, each of the Tribes was consulted in mid-July 2007 relative to their possible concerns for the proposed SRP. BLM provided the Tribes with a general summary of the proposed course at that time, and solicited Native American concerns and participation in the evaluation process. Follow-up phone calls were conducted in August 2007 and consultation is ongoing concerning *Special Recreation Permit's* in the Hungry Valley recreation area. Of particular concern are impacts that may be occurring to traditional cultural properties and use areas. BLM has asked the Native American community to identify such areas for planning purposes. In the immediate area, the Tribes have identified Moon Rocks as a sensitive location on the landscape, based on specific family information. However, this area does not appear to be used as a Traditional Cultural Property.

The people that were associated with this area in the past maintain some association today, incorporating these issues within their religious system. Therefore, the Tribes do have traditional, cultural, or religious property concerns in the local region. However, these general concerns for the SRP do not require additional specific consultation.

BLM does consider the subject expressed by local tribal entities for the protection of prehistoric and historic cultural sites within the impact analysis as part of an issue brought forward in this EA as "Cultural Resources." Relative to this topic, additional consultation with the Tribes would be conducted, with a copy of this EA and FONSI provided to all three Tribes, and the project-specific cultural resources technical report for Cultural Resources (Lane 2007) provided to the Reno-Sparks Indian Colony and the Washoe Tribe of Nevada and California per an existing data-sharing agreement. Tribal comments were considered prior to BLM issuance of a final decision.

### **Soils**

The soils within the proposed action area vary considerably in physical, chemical, and biological characteristics. Parent material, surface and subsurface textures and rock fragments, elevation, aspect, and slope determine the inherent productivity. Erosion and runoff potential, while affected greatly by these factors, is also dependant upon the basal and canopy cover of vegetation

on site. Also, roads, livestock and horse use, mining and other overland activities, and general motorized vehicle use have impacted soils in certain areas.

The soils in the project area have been mapped by the Natural Resources Conservation Service (NRCS; formerly SCS) and are presented in the Soil Survey of Washoe County Area, Nevada (SCS 1980). Based on the survey there are at least 27 soil types present, representing 17 soil series. The vast majority developed from igneous parent material. They range from Acrelane, shallow, well-drained upland soils to Zephaniah-moderately deep, well-drained soils on uplands, to Bedell and Linhart, very deep, somewhat excessively drained soils on alluvial fans and terraces.

### **Vegetation**

Vegetation is characterized by the Standard-type zone of sagebrush, various grasses and scattered juniper trees (*Juniperus osteosperma*). Most common species include big sagebrush (*Artemisia tridentata* spp.), antelope bitterbrush (*Purshia tridentata*), rabbit brush (*Chrysonthamnus*) Greenleaf tea (*Ephedra* spp), Spiny Hopsage (*Grayia spinosa*), bottlebrush squirreltail (*Elymus elymoides*), Indian Ricegrass (*Achnatherum hymenoides*), Basin Wildrye (*Leymus cinereus*), and Sandberg Bluegrass (*Poa secunda*).

### **Range**

The proposed race event would occur within the Paiute Grazing Allotment. Livestock use would be dependant upon site-specific grazing schedules. Range improvements in the allotment typically include cattle guards, fences, gates and water troughs.

### **Wildlife**

Wildlife in the area includes a limited variety of species mainly composed of large and small mammals, reptiles, rodents, songbirds and occasional raptors indigenous to the Great Basin. Several terrestrial wildlife habitats occur within the allotment area as described in the Nevada Wildlife Action Plan (Wildlife Action Plan Team 2006). The major wildlife habitat types include:

Intermountain Cold Desert Scrub – Historically, this habitat would have been dominated by Indian rice grass. Spiny hopsage, shadscale and chenopods would have been found at the lower elevations of this allotment prior to the fires (Wildlife Action Plan Team 2006). Wildlife species associated with this habitat type include pale kangaroo mouse, Great Basin collared lizard and black-throated sparrow (Wildlife Action Plan Team 2006).

Sagebrush – At the upper elevations, mountain big sagebrush or Wyoming sage brush dominated. Bitterbrush was and is co-dominant in many areas. Mountain mahogany also occurs. Key wildlife species such as buckwheats and phlox occur in this habitat type (BLM 1988). This was replaced when burned, by early seral native forbs and some non-native cheatgrass. Great Basin pocket mouse, sagebrush lizard and sage sparrow are species associated with this habitat type (Wildlife Action Plan Team 2006).

Lower Montane Woodlands - There are some pinyon and juniper trees scattered in the upper elevations of the allotment. A few quaking aspen and cottonwood occur and a very small grove of Jeffrey pine occurs on the Petersen's (BLM 1988). The conifer and hardwoods would not



constitute enough acreage to represent a habitat type that would support a unique assemblage of species.

This project area is within the BLM designated Lassen-Washoe Wildlife Habitat Area (BLM 1988). The Warm Springs Mountains have been identified by Nevada Department of Wildlife as limited mule deer range. Some deer would be expected to use the area yearlong, but large herds of wintering deer would not be expected and reproductive sites would be limited naturally by habitat.

Historically, pronghorn were present in all valleys of Nevada (BLM 1988). Pronghorn are currently found in the project area. No key pronghorn areas have been identified within the project area. Pronghorn numbers statewide are being maintained or are increasing.

Black bear can be found occasionally in some parts of the project area.

Sage grouse habitat has been identified north, west and east of the Moon Rocks area. Sage grouse are sensitive to disturbances during nesting and brood rearing periods.

Some California and mountain quail are present in the general project area and a few mourning dove would be expected. The exotic species, chukar, can be found in the general project area (BLM 1988).

Hunting for game birds and small game mammals (rabbits) and trapping of fur-bearers occur within the area. Big game hunting seasons begin during late August and continue through December. Upland game seasons for rabbits, quail, chukar and grouse begin mid-October and continue through January. Trapping seasons are generally October through February. Lion hunting continues year-around and according to harvest allotments as monitored by NDOW.

### **Special Status Species**

#### BLM Sensitive Species

BLM Manual 6840 defines sensitive species as "...those species not already included as BLM Special Status Species under (1) Federal listed, proposed or candidate species; or (2) State of Nevada listed species. Native species may be listed as "sensitive" if it: (1) could become endangered or extirpated from a state or significant portion of its range; (2) is under review by the FWS/NMFS; or (3) whose numbers or habitat capability are declining so rapidly that Federal listing may become necessary, or (4) has typically small and widely dispersed populations; (5) provide inhabits ecological refugia, specialized or unique habitats; (6) is state-listed, but is better conserved through application of the BLM sensitive species status." It is BLM policy to sensitive species with the same level of protection that is given federal candidate species. The major objective of this protection is to preclude the need for federal listing.

The Nevada Natural Heritage Program (NNHP, 2006) was used to identify known locations of sensitive plants within the proposed action area. The NNHP information is made available to the Carson City Field Office with the following caveat: "The Nevada Natural Heritage Program provides [information](#) on the known and previously reported locations and status of threatened, endangered, candidate, sensitive, and other at-risk species throughout the state, to meet the legitimate needs of land-use-planning, development, conservation, and research activities. These

data are constantly updated and added to, and do not constitute and cannot replace on-site surveys, conducted by qualified biologists at appropriate times of year, to detect all species of concern actually present in an area.” (<http://heritage.nv.gov/reqintro.htm>)

The NNHP database has no record of any BLM sensitive plant species occurring on or adjacent to the activity area, however the area is suitable habitat for *Oryctes nevadensis* (Nevada oryctes) a BLM sensitive species. *Oryctes nevadensis* is an annual that occupies sandy areas such as that found in washes and sand dunes. Portions of the proposed race route travel cross-country through suitable habitat for this species none of which has been surveyed for BLM sensitive plant species.

BLM sensitive species known or expected to occur in the general area of the proposed activity is shown in Appendix 2.

### **Recreation**

The event area and routes are frequently used for organized and dispersed recreational activities and special events. Activities include, but are not limited to, access to public lands for hunters, target shooters, sightseers, rock hounds, prospectors, dispersed recreational camping and hiking, Off Highway Vehicle (OHV) enthusiasts (motorcycle and ATV riding, rock crawling, adventure driving and exploration), horseback riding, dog trial training, and others.

OHV enthusiasts in the west are attracted to Nevada’s vast acreage of unstructured, free-use public lands. Adjacent states have developed complex vehicle registration programs that are partially funded by gas tax revenues. Nevada has no structured programs.

Under the Southern Washoe County Urban Interface Plan Amendment, motorized vehicular use is not restricted within the Hungry Valley area and is *Limited to Existing roads and trails* on the adjacent public lands. Special events are encouraged to allow a minimum one (1) mile buffer between the activity and adjacent, occupied residences.

### **NO ACTION ALTERNATIVE**

The description of the affected environment for the No Action Alternative would be the same as that for the Proposed Action.

## **IV. ENVIRONMENTAL CONSEQUENCES**

### **PROPOSED ACTION**

#### **Air Quality**

The proposed action is within Washoe County's area of non-attainment, but the site specific valleys are unclassified. The race is a one-time use activity and is exempt from U.S. EPA conformity requirements.

OHV racing produces temporary suspended particulate matter. Re-fueling occurs from portable pumps and pre-measured containers. Muffled exhaust systems are required of all vehicles. Generation of smog from exhaust would be negligible. There is potential for fugitive dust production from the passage of race and chase vehicles traveling on dirt roads and trails. This potential could increase depending on the weather before and during the event: warm, dry weather could decrease soil moisture and increase fugitive dust; cool temperatures, residual soil moisture from rainfall or snowmelt could increase soil moisture and decrease fugitive dust.

Effects to air quality under the proposed action would be similar to previous OHV events. The amount of dust generated would depend largely upon soil moisture levels, relative humidity in the air and wind velocities and direction at the time of the race. Dust would enter the local atmosphere throughout the running of the race and dissipate soon after the end of the event.

Approximately 26 miles of existing roads and trails could have some level of surface disturbance for the duration of each race. Each race is approximately 1 hour (mini-bikes) – 3 hours (big bikes) long each day. The mini-bike race could have 100 riders; the main event (big bike) race could have 200 riders. The main event race would typically begin about 9:30 a.m. and end before 2 p.m. The amount of fugitive dust generated could be dependant upon soil and air conditions for the day.

Monitoring of race events in the past has revealed that the dust situation can be low to moderate on the race route depending on soil type along the route segment, existing soil moisture, daytime air temperature, relative humidity and wind. On a dry day, the dust is visible in the vicinity of the most of the race route. Riders generally extend the distance between each other in the dusty areas and make up time in the rocky and firm-packed soil areas. Where the route is wide or where riders are pressured to compete for position on an up-hill, more dust is temporarily generated. Visibility for the riders may be slightly to totally obscured especially at the start within the first three miles of the race when racers are grouped and directly competing for better position. On a low dust day (high humidity and soil moisture levels) the dust is a small plume following each rider. The length and depth of that plume depends upon soil type in the exact pathway.

An optimum riding day would include damp soil and moderate relative humidity along with moderate daytime temperature. Deep snow and icy conditions would likely require delaying the start time while the temperatures warm, re-scheduling or canceling the event for rider safety and resource protection.

Monitoring has also revealed that dust from the motorcycle racing does not hang or hold over within the event area. The race course is greater than ½ mile from any residence and the dust does not carry into adjacent homes near Winnemucca Ranch Road. Homes near Red Rock, Golden and Lemmon Valley are also unaffected. Dust is short term and is usually carried only a short distance from the source. This may be attributed to the narrow width of physical route disturbance from the cycle tires and due to the adjacent vegetation and topography. Breezes dissipate dust before it may affect populated areas.

Monitoring has also revealed that dust from OHV racing may carry upward towards powerlines and insulators. Potential for dust accumulation to affect power delivery along the line is a concern voiced by power providers. Monitoring over the past ten years has revealed that there have been no power outages as a result of OHV race use along a powerline corridor. No powerline corridors would be affected.

### **Cultural Resources**

For the proposed action, no changes in specific race locations are proposed. It is important that there is no net loss of scientific information regarding cultural resources, and that NRHP eligible sites (historic properties) are managed so as to prevent or minimize adverse impacts. Cultural resource concerns regarding recreational motorcycle racing and related effects focus on NRHP eligibility of historic properties, site type, and the potential impacts from motorized activities.

Relative to NRHP eligibility, as discussed in the affected environment, the issuance of the permit may have a potential for affecting historic properties through current or future recreation activities. The BLM recognizes the potential for motorcycle racing to impact historic properties can occur through two scenarios:

- a) Potential impacts from dispersed motorcycle or other vehicular operations on historic properties not associated with the running of the race, and not where pit areas, checkpoints, or other factors may attract and concentrate people and vehicles.

Based on previous work by BLM throughout the Intermountain West and Southwestern U.S., BLM considers continued dispersed use of the landscape by people—as analyzed in this EA—to have no effect on prehistoric or historic-period sites that are historic properties on the open landscape.

- b) Potential impacts from concentrated humans and vehicles distribution on historic properties located near or within pit areas, checkpoints, or other factors may attract and concentrate people and vehicles.

Types of historic properties are known for the region, but based on reconnaissance of the routes and after a Class III inventory of five specific areas by BLM archaeologists in August and October 2007, these types are not anticipated to be effected by the race on the identified course (Lane 2007). The distribution and potential impact to historic properties relative to concentrated distribution of people and vehicles would be addressed through on-going cultural resources monitoring. No additional areas of potential conflict between concentrated use and historic properties are anticipated within this SRP.



Determinations of project effects upon cultural resource deemed eligible for inclusion on the NRHP must be completed prior to project undertakings, and would include consultation with the Tribes. In addition, for any future alterations of the physical race route, BLM would insure that every historic property within the area of potential effect from an issuance of the SRP would have any potential adverse effects resolved, ideally through avoidance. Resolution of adverse effects would be completed prior to initiating an undertaking (such as modification to a SRP), pursuant to 36 CFR 800, and in consultation with Washoe Tribe of Nevada and California, Pyramid Lake Paiute Tribe, the Reno Sparks Indian Colony, and the Nevada State Historic Preservation Office. If these cannot be accomplished, specific project routes would be cancelled or not altered, or the SRP would be otherwise modified to result in no adverse effect to the historic property.

### **Migratory Birds**

The proposed race route and proposed time of the activity could disturb individual neo-tropical migratory birds. Because the race is being run in the fall, no nesting activity would occur so there would be no disturbance of nesting. The proposed activity would not have an effect on regional or overall populations of neo-tropical migratory bird species that would be associated with the activity area.

### **Native American Religious Concerns**

Based on BLM's current understanding of concerns to the lives and culture of people of the Reno-Sparks Indian Colony, Washoe Tribe of Nevada and California, and Pyramid Lake Paiute Tribe the proposed race, without modifications, would not adversely affect their way of life. If new evidence is brought forward through continued consultation or monitoring of the race route, start, pits, pee-wee course, or other dispersed areas, the BLM would work with the Tribes to resolve adverse effects, ideally through avoidance. If these cannot be accomplished, specific project routes would be cancelled, or the SRP would be modified to result in no adverse effect to the Native American concern.

### **Soils**

The rate of erosion is dependant upon slope, soil surface texture and soil surface cover. For the majority of the various soil types within the proposed event area, the hazard of water and wind erosion is generally slight to moderate. Most of the trails used for the races have been used for multiple events over the past ten or more years.

Fugitive dust and displaced soil could occur over the sandier portions of the route. The extent of this would be dependant on soil dryness. Since the event takes place in during late October, the soil is likely to be somewhat damp below the ground surface. Dust may be most noticeable due to racers speeding into the area and leaving quickly, in addition to spectator and chase vehicle traffic.

If extremely dry conditions exist on race day, the opportunity for trail widening could increase due to the possibility that riders would spread out in search of better visibility behind each other. The length of the race course would discourage most widening as riders would become distanced of 30 seconds or more between each other within the first ten miles of the 26 mile course.

Extremely wet conditions could generate moderate to deep ruts and occasional widening to avoid deeply trenched sections or standing puddles. Snow could create a higher safety risk due to

coverage of hazards and slippery conditions. Extreme conditions may postpone or cancel the event.

The implementation of this alternative would have little effect on the overall soils resource. Disturbances to surface “soils” in dry washes would be localized and would disappear after the next precipitation event.

### **Vegetation**

The implementation of this alternative would have little effect on the overall vegetative resource. Vegetation could be damaged or destroyed by participants leaving the approved course and running over vegetation. Vegetation would be damaged or destroyed by support and spectator vehicles running over vegetation in the camp, pit, mass start, race course and checkpoint areas. Overall damage/destruction to vegetation in the staging, pit, camp, and mass start areas would be low since vegetation is generally sparse in these areas. Damage to vegetation would be minimal along the course route as competitors are required to stay on the approved course.

Indirect effects may occur at a later date due to subsequent users in the area following an event. The event/staging areas may also be used at a later date by those visiting the area.

### **Range**

Monitoring observations have revealed that cattle tend to wander away from the race route until the event is over. There have been no accounts of a racer colliding with a cow nor have there been observations where cattle have been chased by motorcyclists during organized events. Cattle are likely to be within ¼ mile of the race route at any given time. Due to the short (3 hour) duration of the race, it is unlikely that any cattle would be unduly affected by disturbance near the water areas. Cattle have been observed drinking while motorcycle riders pass nearby on roads and trails.

Cattle in the area would likely move away from the racecourse. The risk of collision could still exist if cattle were traveling to or from a water site crossing a race route segment. Depending on the weather and water availability, cattle have been known to hang around rain puddles in roads following thundershowers. Although the risk of collision exists, there have been no reports of incidences during past races within the management area. Other grazing related obstacles could include such developments as barbwire fencing, gates, and loading chutes. Collisions could damage both the developments and the race vehicle and operator.

The implementation of this alternative would probably have little effect on the overall range resource. Disturbances to forage vegetation would be minimal since the course follows established routes. Potential injury to livestock would be low risk.

### **Wildlife**

Although wildlife individuals may be disturbed by the proposed activity, there won't be an affect to general wildlife populations or reproductive capacity. It is anticipated that potential impacts to vertebrate species would be small and of relatively short duration. The event participants are restricted to existing roads and trails of the approved course. There is adequate spatial habitat that would allow wildlife to move off the roads or trails to surrounding areas.

No mule deer or pronghorn crucial area would be impacted since this doesn't occur in the allotment. Although individual animals may be disturbed, the effect would be short in duration and larger animals in the area are somewhat accustomed to OHV use.

Bears and most upland game birds would not be affected by the proposed race route.

Sage grouse nesting and brooding do not occur in the fall so any potential reproductive activity would not be impacted. Additionally, there is considerable OHV use in the area so it is unlikely that sage grouse are utilizing the area along the race course so no impacts are expected.

### **Special Status Species**

#### **BLM Sensitive Species**

Although individual wildlife sensitive species may be disturbed by the proposed activity, there won't be an affect to entire populations or reproductive capacity. It is anticipated that potential impacts would be small and of relatively short duration. The event participants are restricted to existing roads and trails of the approved course. There is adequate spatial habitat that would allow wildlife to move off the roads or trails to surrounding areas.

Sage grouse have been addressed as a game species.

Portions of the proposed race route travel cross-country through sandy washes and alluvial fans. Nevada oryctes plants found in these areas would be crushed and uprooted if still viable. Dispersed seed would likely be impacted by vehicle tires that may create conditions that make future germination unlikely as this plant species is highly sensitive to rainfall and temperature patterns prior to and during seed germination (NNHP, 2006).

### **Recreation**

Access to commonly used roads, trails and areas would be temporarily restricted during the conduct of the race. Alternative routes would be possible, but may cause some inconvenience to some of the casual recreation user.

During the race event, dispersed recreation could be adversely impacted by the *Temporary Public Land Closure* (TPLC) implemented by the BLM for the duration (2 days) of the event. Race officials would be authorized to restrict non-race use of the route to provide for public safety. Given the amount of dispersed recreation in the area, the implementation of this alternative could have a moderate effect on the overall recreation resource.

### **NO ACTION ALTERNATIVE**

Implementation of the No Action Alternative would have no effect on natural resources because no racing and or associated visitor use would occur. However, the public demand for these types of competitive events would also not be met.

### **MITIGATION MEASURES**

Given the mitigation stipulations provided in the proposed action, no additional mitigation measures are required except for the need to avoid cross country travel within sandy areas to avoid impacts to the *Oryctes nevadensis* (Nevada oryctes) a BLM sensitive species.

**CUMULATIVE IMPACTS**

All other resource values have been evaluated for cumulative impacts. Given the mitigation stipulations provided in the proposed action, it has been determined that cumulative impacts would be negligible as a result of the proposed action or alternatives.

**MONITORING**

The monitoring described in the Proposed Action is sufficient for this action.



**V. CONSULTATION AND COORDINATION**

**LIST OF PREPARERS**

John Axtell	Wildlife Biologist
James Carter	Lead Archaeologist
James deLaureal	Soil Scientist/Noxious Weeds
Arthur Callan	Outdoor Recreation Planner
Terri Knutson	Environmental Coordinator
Jim Schroeder	Lead Hydrologist
Rita Suminski	Supervisory Wildlife Biologist
Russell Suminski	Supervisory Rangeland Management Specialist
Dean Tonenna	Plant Ecologist
Elizabeth Lane	Archeologist

**PERSONS, GROUPS AND/OR AGENCIES CONSULTED**

Reno Sparks Indian Colony  
Pyramid Lake Paiute Tribe  
Washoe Tribe of Nevada and California

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**VI. APPENDICES AND/OR ATTACHMENTS**

**Appendix 1 - Neo-tropical Migratory Birds, Species of Continental Importance (Page 1 of 1)**

**Salt Desert Scrub** – This biome experiences harsh climactic variation and is often dominated by salt-tolerant shrubs. Species of concern associated with this habitat type in the land sale area are,

Loggerhead Shrike – *Lanius ludovicianus*  
Burrowing Owl – *Athene cunicularia*

Issues related to this habitat type include physical destruction of salt desert shrubs, habitat conversion and use of rangeland pesticides

**Western Shrublands**– Shrubsteppe was identified as the highest priority habitat for conservation for breeding birds. This habitat type supports the largest nesting-bird species list of any upland vegetation type in the West (Beidleman 2000). Species of concern associated with this habitat type in the plan area,

**Shrub-Steppe**

Sage grouse – *Centrocercus urophasianus*  
Brewer's sparrow – *Spizella breweri*  
Sage Sparrow – *Amphispiza belli*  
Sage Thrasher – *Oreoscoptes montanus*

Issues related to this habitat type include fragmentation from man-caused activities. Threats to this habitat type include overgrazing of grasses and forbs that alter community structure, invasion of non-native grasses and fire suppression / crown-killing wildfire. Loss of shrub understory, increasing human infrastructure which fragments and degrades habitat, and increases soil erosion was also identified.

**Woodland** – Pinyon-juniper woodlands are characteristic of this habitat type Species of concern associated with this habitat type in the plan area,

Gray Flycatcher – *Empidonax wrightii*  
Gray Vireo - *Vireo vicinior*  
Juniper Titmouse – *Baeolophus ridgwayi*  
Mountain Bluebird – *Sialia currucoides* – cavity nester  
Pinyon Jay – *Gymnorhinus cyanocephalus*  
Western Bluebird- *Sialia mexicana* – snags / hollow tree

Issues related to this habitat type include fragmentation from man-caused activities .

**Appendix 2 – BLM sensitive known to occur or expected to occur within the activity area**

**Animal**

Golden Eagle – *Aquila chrysaetos*  
Ferruginous Hawk - *Buteo regalis*  
Burrowing owl - *Athene cunicularia*  
Short-eared owl – *Asio flammeus*  
Long-billed Curlew – *Numenius americanus*  
Mountain Quail – *Oreortyx pictus*  
Prairie Falcon – *Falco columbarius*  
Swainson's Hawk- *Buteo swainsoni*  
Western Snowy Plover- *Charadrius alexandrinus*  
Loggerhead shrike- *Lanius ludovicianus*  
Juniper Titmouse - *Baeolophus griseus*  
Vesper Sparrow – *Pooecetes gramineus*  
Western Snowy Plover – *Charadrius alexandrinus*  
Sage grouse – *Centrocercus urophasianus*  
Pallid bat – *Antrozous pallidus*  
Townsend's big-eared bat - *Corynorhinus townsendii*  
Western Pipistrelle Bat – *Pipistrellus hesperus*  
Brazilian free-tailed bat - *Tadarida brasiliensis*  
Fringed myotis – *Myotis thysanodes*  
California myotis – *Myotis californicus*  
Pygmy rabbit – *Brachylagus idahoensis*

Source: [www.natureserve.com](http://www.natureserve.com), [www.heritage.nv.gov](http://www.heritage.nv.gov), CCFO Habitat Management Plans, misc. observ

**Plants**

*Oryctes nevadensis* -Nevada oryctes

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<http://www.heritage.nv.gov>

**ATTACHMENT 1**

**Permit Stipulations**

The following stipulations would apply to the Rimbenders multi-year permit (SRP NV-030-07544):

The permittee, Rimbenders, must show a copy of the permit to any BLM other authorized official if requested. Failure to comply with any of these conditions may result in the revocation of the permit, citation, or denial of future permits.

A. This permit authorizes Rimbenders to conduct a motorcycle race on approved routes through BLM managed lands as delineated in the EA map (page 3). The type of use authorized is competitive motorcycle racing.

B. This permit covers the time period of authorization signature date, October 2007 through November 2011. Should circumstances warrant, this permit may be modified, suspended or revoked by the Authorizing officer at any time to protect public resources, health and safety, the natural environment, where non-compliance with permit stipulations has occurred, or when rules or standards are revised or updated.

C. The permittee is obligated to meet the following criteria: prompt completion of post use report and fee payment; satisfactory monitoring report from agency personnel; submission of current proof-of-liability insurance naming the U.S Government as additional insured for \$500,000 bodily injury for any one person; \$1,000,000 for any one occurrence; and \$50,000 property damage for any one occurrence.

In addition to the Standard Stipulations on the back of Permit NV-030-07544, the following instructions also apply:

1. Establishment of permanent markers and improvements is prohibited. Use of “Enviro” paint, paint balls, or colorful chalk sprayed, splattered or poured onto rocks, brush or the ground is prohibited. (Though these products advertise bio-degradable, dry climates prolong the products outdoor life.) Use of white gypsum or flour is ok. It should be washed, brushed off, or mixed into the soil.

Approved route marking consists of occasional flagging attached to clothes pins, wooden stakes or flour “dust” ground marking arrows on the dirt road surfaces. If using flagging, the issuing agency must be advised of the color of the flagging two weeks prior to the event and advised by phone when markings have been removed (775) 885-6000.

Prior to final flagging, it is the permittee's responsibility to inspect the area within 100 feet of the route for hazards that may affect rider or public safety. **Discovery of un-marked abandoned mine features must be reported immediately to BLM or Nevada Department of Mine Safety at 1-800-541-MINE.** The permittee must remove all route markers and other debris immediately following the event.

During flagging operations and rehabilitation work, club members shall be aware of wildlife, livestock and wild horses. Every effort shall be made to ensure that birthing, nesting, foaling, calving and fawning animals happened upon shall not be harassed. Sightings, conflicts and mortalities shall be reported to BLM monitors immediately.

2. The Start/Finish and pit areas must be clearly flagged and positioned so as not to restrict or impair normal road traffic flow nor contribute to resource (vegetation, soil, road, etc.) degradation. If the actual Start Area is located away from the main pit, participants and spectators **must** travel on established or designated route(s) to transit to the start area. It is the permittees responsibility to direct this transit.

The event course would follow predetermined/authorized routes as shown on the attached permit map. Traffic control methods and Check Points are to be located with the intent of keeping riders on the course and avoiding short cuts. Participants must use existing routes as marked on the ground as the travel route or as described on the ride scroll or global positioning navigation system. The route may not be improved without consultation with the BLM. This includes trimming tree branches, cutting brush or loosening fence lines along the route.

3. Participants shall observe all applicable Federal, State and local laws, regulations and ordinances associated with the premises of the event. Vehicles used in the event shall be motorcycles. Helmets are required attire. All vehicles shall have legal and properly functioning mufflers and spark arresters.

The permittee may be held accountable for the costs of fire suppression if it is evident that a fire was caused by participants.

4. Motorcycle, OHV free-play (motocross, hill climbs, cross-country riding, etc.) is prohibited in conjunction with the event. This includes the start-finish, pit, lunch stop, Check Point and refueling locales. Participant concentration areas (camping, staging, refueling, rest areas, etc.) shall be located in previously disturbed areas and approved prior to the event.

Entrants, spectators, children and pit personnel are to be advised that initiation of new trails or cross-country vehicle travel is prohibited. Riders must be cautioned that passing must take place completely within the approved route path. Avoid wet areas, limit passage through these areas to one established route.

5. The permittee assumes responsibility for public safety and sanitation during all phases of the event. The permittee shall designate a qualified first aid coordinator to organize and provide the necessary personnel with appropriate communications and transportation equipment to insure the rapid assistance to injured participants.

An adequate supply of portable toilets and trash barrels would be available at any field location accommodating spectators, participants or support personnel. All refuse must be removed from these areas immediately after occupation.

Dumping of sewage or petroleum products onto the ground is prohibited. Refueling and other major servicing of vehicles would be restricted to designated pit areas. Spontaneous pit activities at



Check Points and road crossings must remain clean of all residues. Accidental spills of petroleum products must be contained to the smallest extent possible. **Any spill of one (1) quart or more must be reported to BLM immediately.** The permittee shall be responsible for the clean-up and proper disposal of any soils contaminated by such spills.

6. Cultural resources (historical or prehistoric site or object, including, but not limited to, ruins, historic buildings, artifacts, rock art, and hearths) are protected and shall not be damaged or removed. All personnel associated with the permitted activity would be informed by the permittee that they are subject to prosecution for vandalizing and/or collecting any historic or prehistoric artifacts or remains. Inadvertent surface or subsurface discoveries of cultural resources or fossil materials shall be left undisturbed.

The permittee would be responsible to ensure that historical, archaeological, cultural, or paleontological values are not damaged, destroyed, or removed by any participants on authorized trips. Unless specifically authorized, collection of plants, rocks, fossils, artifacts, shed antlers, animals or parts of animals is prohibited. Permits for such collecting are issued separately outside of a Special Recreation Permit.

7. The permittee must submit a Post-Use report (form attached) within 30 days following the event. Number of entrants, any injuries or property damage must be reported. If cost recovery is not required, the Use Fee is \$4.00 per total entrants or 3% of the total gross receipts or \$90 per event, whichever is greater. Serious accidents or deaths must be reported to BLM within 24 hours of occurrence.

8. A Public Land Closure for the event route **would** be in effect the day of the event. The proponent is responsible for marking all entry and exit points along the course warning the public of the closure.

9. The permittee must provide a communications system from the event course to the pit area, sweep motorcyclists, four-wheel drive rescue units, air rescue units, and law enforcement personnel. Establishment of an Emergency Priority frequency that would not interfere with event operations is recommended. Cell phone is adequate.

The permittee shall provide for First Aid, Emergency response coordination and law enforcement should a participant, spectator or other public become sick, injured, disruptive or belligerent at the event.

Fire extinguishers must be located at fueling area and at each Check Point.

The permittee shall notify local emergency response personnel 30 days prior to the event and a reminder call the day before the event.

10. The permittee shall contact the BLM Field Office prior to the event to determine campfire restrictions. If campfire restrictions are in place, cooking may be done on gas or propane stoves only.

Campers are to be advised of the following:

- a) Campfires may not be ignited if weather conditions are hot and dry or when fire restrictions are otherwise in place.
- b). No cans, bottles, aluminum, plastic, or wood pallets with nails and staples should be burned in a campfire. Campers shall provide own fuel wood.
- c). A burning campfire shall not be left unattended at any time. A bucket of water and a shovel must be close at hand when a campfire is burning. The fire must be put dead-out and cleaned of un-burnt rubbish prior to abandonment.
- d) The campfire and campsite must be cleaned of all firewood, garbage and litter prior to abandonment of the site. Scatter rock rings; naturalize the used area.
- e) Draining of sewage is strictly prohibited on public and private lands. The permittee would be responsible for cleaning up and disposing of sewage in a timely and appropriate manner (event and spectator related).

#### EVENT COURSE OR AREA REHABILITATION GUIDELINES

It is the permittee's responsibility to initiate care of public lands and resources.

The issuing agency may inspect the course, pit and event areas immediately after and within two to four weeks following the event to evaluate event affects on resources and permittee's compliance with resource protection and rehabilitation measures. The permittee shall be notified of additional rehabilitation needs, as necessary.

The permittee may be required to grade, recontour, drag, disc or seed soil and vegetation areas within the course and pit areas that were significantly changed or impacted as a result of the event. Main access roads used by support or rescue vehicles during muddy conditions where significant road damage occurs must be graded to pre-event status.

#### **\*Post Event rehabilitation guidelines *prior* to BLM inspection:**

- a.) Where berms, ruts and/or depressions due to soil loss have occurred, smooth the race/event trail to pre-event soil levels. Use a drag harrow to loosen and spread soils to create a more natural appearance and to maintain trail condition for future use.
- b). Neutralize single-track ruts 10" deep or more where soil erosion or channelized water run-off is likely, or where safety to other vehicle traffic could be affected.
- c). Reduce berms created by hard turns on commonly used roads and trails. Expose vegetation that has been covered by berms.
- d) Repair any damages to fences, posts, gates or range improvements that occurred as a result of the race/event. Soil ruts that develop at gate locations must be reduced to prevent livestock from getting under the gate/fence. Loose wire must be tightened to prevent

livestock entanglement. Leave gates open or closed according to condition found at race time.

e). If mechanized equipment is required to make trail repairs, use must be coordinated with BLM. Extra caution must be taken when making repairs near historic ruins, rock walls, tailings piles, and historic debris.

Failure to complete clean-up and course restoration within 30 days following an event, unless an extension is granted by BLM, may affect future permit opportunities and may cost the permittee additional fees. If BLM employees have to do course clean-up and restoration, the permittee may be billed up to \$50 per employee per hour plus equipment costs.

Performance evaluation, violations, and penalties would be based upon:

- a) Stipulation and Operating Plan Compliance;
- b) Protection of Resource Values; and
- c) Quality and safety of services provided to the public.

Performance levels are:

A= Acceptable: Permittee is in compliance with permit stipulations; has taken prompt steps to rectify any performance issues/complaints; does not repeatedly violate conditions or show disregard for stipulations.

P= Probationary: Where there has been repeated violations or a disregard for permit stipulations.

U= Unacceptable: Permittee wouldfully and/or repeatedly violated permit conditions to provide substandard service to the public. Conduct is lacking in reasonableness or responsibility to the point that it becomes reckless or negligent.

Response to Violations and Penalties:

A= Complaints/issues may be discussed over the phone or in writing. When due dates or completion dates are established, the permittee would be afforded a 15 day grace period, unless otherwise specified.

P= A Notice of Noncompliance (Notice) would be issued by the Authorized Officer specifying in what respects the permittee has failed to comply, the terms of the probationary status, and the consequences of further noncompliance.

U= Permit privileges would be revoked for one to three years. The permittee would be allowed the opportunity to appeal the decision under Title 43 CFR, Part 4.

Critical Standards - a breach of critical standards can lead directly to administrative penalties, suspension or revocation of a permit. Critical standards are stipulations and requirements

necessary for the health and welfare of the public and protection of resources. The permit shall be suspended or revoked if required State or local licenses pertaining to public health and safety are revoked. Violation of mandatory Federal or State safety requirements would result in probationary status or loss of permit privileges.

The conviction of a violation of any Federal or State law or regulation pertaining to the conservation or protection of natural resources, the environment, endangered species or antiquities that is related to permit operations would result in probationary status or loss of permit privileges.